

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ADALBERTO ROJO-BELTRAN,
Defendant/Petitioner,
v.
UNITED STATES OF AMERICA,
Plaintiff/Respondent,

Case No. C05-5418JET
CR01-5640JET

ORDER

THIS MATTER comes on before the above-entitled Court upon Defendant's Motion pursuant to 28 U.S.C. §2255.

Having considered the entirety of the record and files herein, the Court finds and rules as follows:

Judgment and Sentence was entered on October 17, 2003. Defendant took no direct appeal. Therefore, the time for filing a §2255 motion expired on October 18, 2003. Defendant filed his 2255 motion on June 20, 2005, beyond the one-year statutory limitation period for filing motions to vacate, set aside or correct sentence. Accordingly, Defendant's motion is DISMISSED as untimely.

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2 The Clerk of the Court is directed to send uncertified copies of this order to all counsel of
3 record.

4 DATED this 4th day of October, 2005.

5 /s JACK E. TANNER
6 JACK E. TANNER
7 SR. UNITED STATES DISTRICT JUDGE
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